

# **EXHIBIT A**

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16 **ATTORNEYS FOR PLAINTIFFS**

17 Nanya Technology Corp. and

18 Nanya Technology Corp. U.S.A.

19 **UNITED STATES DISTRICT COURT**20 **DISTRICT OF GUAM**21 **NANYA TECHNOLOGY CORP. and**  
**NANYA TECHNOLOGY CORP. U.S.A.,**

22 Case No. CV-06-00025

23 *Plaintiffs,*24 *v.*25 **FUJITSU LIMITED and FUJITSU**  
**MICROELECTRONICS AMERICA, INC.,**26 **Defendants.**27 **PLAINTIFFS' OBJECTIONS AND**  
**RESPONSES TO FUJITSU**  
**MICROELECTRONICS AMERICA,**  
**INC.'S FIRST SET OF**  
**INTERROGATORIES (NOS. 1-6)**

28 Pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court, Plaintiffs

29 Nanya Technology Corp. and Nanya Technology Corp. U.S.A. hereby serve the following Objections

30 and Responses to Fujitsu Microelectronics America, Inc.'s First Set of Interrogatories (Nos. 1-6).

31 Plaintiffs hereby reserve the right to unilaterally and unconditionally revise, supplement, and otherwise

32 change any and/or all objections and responses to these interrogatories.

## OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. Plaintiffs object to the definitions incorporated by reference to Fujitsu Microelectronics America, Inc.'s First Set of Requests for Production, by incorporating by reference Plaintiffs' objections to such definitions set forth in Plaintiffs' Objections and Responses to Fujitsu Microelectronics America, Inc.'s First Set of Requests for Production.

2. Plaintiffs object to Footnote No. 1 and Defendants' attempted disclaimer that they are not substantively participating in the present lawsuit in Guam.

3. Plaintiffs object to Instruction No. 3 to the extent it recites privilege log requirements in excess of the requirements called for by this Court, Ninth Circuit precedent, and the Federal Rules of Civil Procedure.

4. Plaintiffs object to Instruction No. 10 to the extent it recites requirements in excess of Federal Rule of Civil Procedure 33(d).

## **OBJECTIONS AND RESPONSES TO INTERROGATORIES**

Subject to the foregoing objections, Plaintiffs further object and respond as follows:

**INTERROGATORY NO. 1**

Separately for each alleged basis of jurisdiction over FMA under Section 12 of the Clayton Act  
(a) state each such basis of jurisdiction; (b) state each fact supporting each basis; and (c) for each fact, identify all evidence supporting that fact.

## **OBJECTIONS AND RESPONSE:**

Plaintiffs object to Interrogatory No. 1 as premature. Neither Defendant has served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation whatsoever to respond.

Plaintiffs object to Interrogatory No. 1 because it seeks information regarding the pre-suit investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by Plaintiffs' counsel, and Plaintiffs' Response in Opposition to Fujitsu Microelectronics America, Inc.'s Motion to Dismiss or Transfer to the Northern District of California and for a More Definite Statement

1 ("Plaintiffs' Response"), which is still being prepared by Plaintiffs' counsel and has not yet been filed.  
 2 Such information is protected by the work product privilege and doctrine.

3 Plaintiffs object to Interrogatory No. 1 as premature because it seeks information that is the  
 4 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due  
 5 until May 15, 2007.

6 Plaintiffs object to Interrogatory No. 1 because it calls for the product of jurisdictional  
 7 discovery that Defendant Fujitsu Microelectronics America, Inc. ("FMA") and Defendant Fujitsu Ltd.  
 8 have not yet yielded.

9 Plaintiffs object to Interrogatory No. 1 to the extent it recites at least three discrete subparts (a),  
 10 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 1-3) according  
 11 to Federal Rule of Civil Procedure 33(a).

12 Subject to the foregoing objections, Plaintiffs will provide information responsive to  
 13 Interrogatory No. 1 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May  
 14 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response  
 15 seasonably after Defendants yield all requested jurisdictional discovery.

16 **INTERROGATORY NO. 2**

17 Separately for each alleged basis of jurisdiction over Fujitsu under Section 12 of the Clayton  
 18 Act (a) state each such basis of jurisdiction; (b) state each fact supporting each basis; and (c) for each  
 19 fact, identify all evidence supporting that fact.

20 **OBJECTIONS AND RESPONSE:**

21 Plaintiffs object to Interrogatory No. 2 as premature. Neither Defendant has served pre-  
 22 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
 23 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation  
 24 whatsoever to respond.

25 Plaintiffs object to Interrogatory No. 2 because it seeks information regarding the pre-suit  
 26 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by  
 27 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has  
 28

1 not yet been filed. Such information is protected by the work product privilege and doctrine.

2 Plaintiffs object to Interrogatory No. 2 as premature because it seeks information that is the  
 3 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due  
 4 until May 15, 2007.

5 Plaintiffs object to Interrogatory No. 2 because it calls for the product of jurisdictional  
 6 discovery that Defendants have not yet yielded.

7 Plaintiffs object to Interrogatory No. 2 to the extent it recites at least three discrete subparts (a),  
 8 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 4-6) according  
 9 to Federal Rule of Civil Procedure 33(a).

10 Subject to the foregoing objections, Plaintiffs will provide information responsive to  
 11 Interrogatory No. 2 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May  
 12 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response  
 13 seasonably after Defendants yield all requested jurisdictional discovery.

14 **INTERROGATORY NO. 3**

15 Separately for each alleged basis of jurisdiction over FMA not under Section 12 of the Clayton  
 16 Act (a) state each such basis of jurisdiction; (b) state each fact supporting each basis; and (c) for each  
 17 fact, identify all evidence supporting that fact.

18 **OBJECTIONS AND RESPONSE:**

19 Plaintiffs object to Interrogatory No. 3 as premature. Neither Defendant has served pre-  
 20 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
 21 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation  
 22 whatsoever to respond.

23 Plaintiffs object to Interrogatory No. 3 because it seeks information regarding the pre-suit  
 24 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by  
 25 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has  
 26 not yet been filed. Such information is protected by the work product privilege and doctrine.

27 Plaintiffs object to Interrogatory No. 3 as premature because it seeks information that is the  
 28

1 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due  
 2 until May 15, 2007.

3 Plaintiffs object to Interrogatory No. 3 because it calls for the product of jurisdictional  
 4 discovery that Defendant have not yet yielded.

5 Plaintiffs object to Interrogatory No. 3 to the extent it recites at least three discrete subparts (a),  
 6 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 7-9) according  
 7 to Federal Rule of Civil Procedure 33(a).

8 Subject to the foregoing objections, Plaintiffs will provide information responsive to  
 9 Interrogatory No. 3 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May  
 10 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response  
 11 seasonably after Defendants yield all requested jurisdictional discovery

12 **INTERROGATORY NO. 4**

13 Separately for each alleged basis of jurisdiction over Fujitsu not under Section 12 of the  
 14 Clayton Act (a) state each such basis of jurisdiction; (b) state each fact supporting each basis; and (c)  
 15 for each fact, identify all evidence supporting that fact.

16 **OBJECTIONS AND RESPONSE:**

17 Plaintiffs object to Interrogatory No. 4 as premature. Neither Defendant has served pre-  
 18 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
 19 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation  
 20 whatsoever to respond.

21 Plaintiffs object to Interrogatory No. 4 because it seeks information regarding the pre-suit  
 22 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by  
 23 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has  
 24 not yet been filed. Such information is protected by the work product privilege and doctrine.

25 Plaintiffs object to Interrogatory No. 4 as premature because it seeks information that is the  
 26 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due  
 27 until May 15, 2007.

1 Plaintiffs object to Interrogatory No. 4 because it calls for the product of jurisdictional  
 2 discovery that Defendants have not yet yielded.

3 Plaintiffs object to Interrogatory No. 4 to the extent it recites at least three discrete subparts (a),  
 4 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 10-12)  
 5 according to Federal Rule of Civil Procedure 33(a).

6 Subject to the foregoing objections, Plaintiffs will provide information responsive to  
 7 Interrogatory No. 4 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May  
 8 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response  
 9 seasonably after Defendants yield all requested jurisdictional discovery

10 **INTERROGATORY NO. 5**

11 Separately for each product that you assert to be a contact with Guam out of which your claim  
 12 for infringement arises against Fujitsu under a stream of commerce theory of specific jurisdiction, and  
 13 for each product identified in your Second Sets of Jurisdictional requests for Production to Defendants  
 14 Fujitsu and FMA, dated February 9, 2007: (a) state each basis for alleging infringement against  
 15 Fujitsu; (b) state each fact supporting each basis; and (c) for each fact, identify all evidence supporting  
 16 that fact.

17 **OBJECTIONS AND RESPONSE:**

18 Plaintiffs object to Interrogatory No. 5 as premature. Neither Defendant has served pre-  
 19 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
 20 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation  
 21 whatsoever to respond.

22 Plaintiffs object to Interrogatory No. 5 because it seeks information regarding the pre-suit  
 23 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by  
 24 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has  
 25 not yet been filed. Such information is protected by the work product privilege and doctrine.

26 Plaintiffs object to Interrogatory No. 5 as premature because it seeks information that is the  
 27 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due  
 28

1 until May 15, 2007.

2 Plaintiffs object to Interrogatory No. 5 because it calls for the product of jurisdictional  
 3 discovery that Defendants have not yet yielded.

4 Plaintiffs object to Interrogatory No. 5 to the extent it recites at least three discrete subparts (a),  
 5 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 13-15)  
 6 according to Federal Rule of Civil Procedure 33(a).

7 Subject to the foregoing objections, Plaintiffs will provide information responsive to  
 8 Interrogatory No. 5 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May  
 9 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response  
 10 seasonably after Defendants yield all requested jurisdictional discovery

11 **INTERROGATORY NO. 6**

12 Separately for each product that you assert to be a contact with Guam out of which your claim  
 13 for infringement arises against FMA under a stream of commerce theory of specific jurisdiction, and  
 14 for each product identified in your Second Sets of Jurisdictional requests for Production to Defendants  
 15 Fujitsu and FMA, dated February 9, 2007: (a) state each basis for alleging infringement against FMA;  
 16 (b) state each fact supporting each basis; and (c) for each fact, identify all evidence supporting that  
 17 fact.

18 **OBJECTIONS AND RESPONSE:**

19 Plaintiffs object to Interrogatory No. 6 as premature. Neither Defendant has served pre-  
 20 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
 21 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation  
 22 whatsoever to respond.

23 Plaintiffs object to Interrogatory No. 6 because it seeks information regarding the pre-suit  
 24 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by  
 25 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has  
 26 not yet been filed. Such information is protected by the work product privilege and doctrine.

27 Plaintiffs object to Interrogatory No. 6 as premature because it seeks information that is the  
 28

1 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due  
 2 until May 15, 2007.

3 Plaintiffs object to Interrogatory No. 6 because it calls for the product of jurisdictional  
 4 discovery that Defendants have not yet yielded.

5 Plaintiffs object to Interrogatory No. 6 to the extent it recites at least three discrete subparts (a),  
 6 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 16-18)  
 7 according to Federal Rule of Civil Procedure 33(a).

8 Subject to the foregoing objections, Plaintiffs will provide information responsive to  
 9 Interrogatory No. 6 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May  
 10 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response  
 11 seasonably after Defendants yield all requested jurisdictional discovery.

12 **VERIFICATION**

13 Plaintiffs will provide a verification after Defendants make their pre-discovery disclosures and  
 14 after Plaintiffs supplement their responses in view of Defendants yielding all jurisdictional discovery.

16 Dated: April 23, 2007

SHORE CHAN BRAGALONE LLP

17 By /s/ Alfonso Garcia Chan  
 18 ALFONSO GARCIA CHAN

19 TEKER TORRES & TEKER, P.C.

20 UNPINGO & ASSOCIATES, LLC

22 ATTORNEYS FOR PLAINTIFFS  
 23 NANYA TECHNOLOGY CORP., and  
 NANYA TECHNOLOGY CORP, U.S.A.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on the following counsel of record via electronic mail and confirmatory first class mail on April 23, 2007:

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 22 *Nanya Technology Corp. and*  
 23 *Nanya Technology Corp. U.S.A.*

24 **UNITED STATES DISTRICT COURT**

25 **DISTRICT OF GUAM**

26 **NANYA TECHNOLOGY CORP. and**  
 27 **NANYA TECHNOLOGY CORP. U.S.A.,**

28 Case No. CV-06-00025

29 *Plaintiffs,*  
 30  
 31 *v.*  
 32 **FUJITSU LIMITED and FUJITSU**  
 33 **MICROELECTRONICS AMERICA, INC.,**

34 **PLAINTIFF NANYA TECHNOLOGY**  
 35 **CORPORATION'S OBJECTIONS AND**  
 36 **RESPONSES TO FUJITSU**  
 37 **MICROELECTRONICS AMERICA,**  
 38 **INC.'S FIRST SET OF REQUESTS FOR**  
 39 **ADMISSIONS (NOS. 1-34)**

40 *Defendants.*

1 Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court,  
 2 Plaintiff Nanya Technology Corp. ("NTC") hereby serves the following Responses and Objections to  
 3 admissions upon Defendant Fujitsu Microelectronics America, Inc. ("FMA"). NTC hereby reserves  
 4 the right to supplement all responses to these admissions in accordance with Federal Rules of Civil  
 5 Procedure 26(e).  
 6

7 **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

8 1. NTC objects to the definitions of "Nanya," "you" and "your" to the extent that they  
 9 encompass "all predecessor or successor companies or corporations" that are not currently part of  
 10 NTC, to the extent they encompass "present ... investigators, accountants, consultants, attorneys, other  
 11 representatives, or any other persons acting or purporting to act on behalf of any of them" who are not  
 12 part of NTC, to the extent they encompass "consultants" otherwise protected by the consulting expert  
 13 privilege, to the extent they encompass "attorneys" otherwise protected by the attorney client and/or  
 14 work product privileges, and to the extent they encompass "former offices, directors, employees,  
 15 agents, investigators, accountants, consultants, attorneys, other representatives, or any other persons  
 16 acting or purporting to act on behalf of any of them" that are not currently part of NTC.  
 17

18 2. NTC objects to the definition of "document" to the extent it purports to cover subject  
 19 matter in excess of Federal Rule of Civil Procedure 34.  
 20

21 3. NTC objects to the definition of "electronically stored information" to the extent it  
 22 purports to cover subject matter in excess of Federal Rule of Civil Procedure 34.  
 23

24 4. NTC objects to the definition of "identify" to the extent it calls for a response in excess  
 25 of the minimum requirements of Federal Rule of Civil Procedure 36.  
 26

27 5. NTC objects to the Instructions generally to the extent they call for a response in excess  
 28 of the minimum requirements of Federal Rule of Civil Procedure 36.  
 29

30 6. NTC objects to Instruction No. 7 to the extent it recites privilege log requirements in  
 31

excess of the requirements called for by this Court, Ninth Circuit precedent, and the Federal Rules of Civil Procedure.

7. NTC objects to Footnote No. 1 and Defendants' attempted disclaimer that they are not substantively participating in the present lawsuit in Guam.

## **RESPONSES AND OBJECTIONS TO FMA'S ADMISSIONS**

Subject to the foregoing objections, NTC further objects and responds as follows:

**REQUEST FOR ADMISSION NO. 1:**

Admit that Nanya does not maintain any offices in Guam.

## **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 1:**

NTC objects to Request for Admission No. 1 as premature. FMA has not served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to respond. NTC further objects to Request for Admission No. 1 as seeking irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called for by Request for Admission No. 1 seasonably after FMA serves its Local Rule 26.2 pre-discovery disclosures.

**REQUEST FOR ADMISSION NO. 2:**

Admit that Nanya does not maintain any operations in Guam.

## OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 2:

NTC objects to Request for Admission No. 2 as premature. FMA has not served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to respond. NTC further objects to Request for Admission No. 2 as seeking irrelevant to any claim or

1 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
2 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
3 for by Request for Admission No. 2 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
4 disclosures.

5 **REQUEST FOR ADMISSION NO. 3:**

6 Admit that Nanya does not have any employees in Guam.

7 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 3:**

8 NTC objects to Request for Admission No. 3 as premature. FMA has not served pre-discovery  
9 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).  
10 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to  
11 respond. NTC further objects to Request for Admission No. 3 as seeking irrelevant to any claim or  
12 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
13 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
14 for by Request for Admission No. 3 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
15 disclosures.

16 **REQUEST FOR ADMISSION NO. 4:**

17 Admit that Nanya does not have any affiliates in Guam.

18 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 4:**

19 NTC objects to Request for Admission No. 4 as premature. FMA has not served pre-discovery  
20 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).  
21 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to  
22 respond. NTC further objects to Request for Admission No. 4 as seeking irrelevant to any claim or  
23 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
24 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
25 for by Request for Admission No. 4 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
26 disclosures.

1 for by Request for Admission No. 4 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
2 disclosures.

3 **REQUEST FOR ADMISSION NO. 5:**

4 Admit that Nanya does not have any salespersons in Guam.

5 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 5:**

6 NTC objects to Request for Admission No. 5 as premature. FMA has not served pre-discovery  
7 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).  
8 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to  
9 respond. NTC further objects to Request for Admission No. 5 as seeking irrelevant to any claim or  
10 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
11 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
12 for by Request for Admission No. 5 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
13 disclosures.

14 **REQUEST FOR ADMISSION NO. 6:**

15 Admit that Nanya has not advertised any products in the Guam local newspapers or Guam local  
16 magazines in the six years before the Complaint was filed in this action.

17 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 6:**

18 NTC objects to Request for Admission No. 6 as premature. FMA has not served pre-discovery  
19 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).  
20 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to  
21 respond. NTC further objects to Request for Admission No. 6 as seeking irrelevant to any claim or  
22 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
23 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
24 for by Request for Admission No. 6 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
25 disclosures.

1 disclosures.

2 **REQUEST FOR ADMISSION NO. 7:**

3 Admit that Nanya has not advertised any services in the Guam local newspapers or Guam local  
4 magazines in the six years before the Complaint was filed in this action.

5 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 7:**

6 NTC objects to Request for Admission No. 7 as premature. FMA has not served pre-discovery  
7 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).  
8 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to  
9 respond. NTC further objects to Request for Admission No. 7 as seeking irrelevant to any claim or  
10 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
11 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
12 for by Request for Admission No. 7 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
13 disclosures.

14 **REQUEST FOR ADMISSION NO. 8:**

15 Admit that Nanya does not have real property in Guam.

16 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 8:**

17 NTC objects to Request for Admission No. 8 as premature. FMA has not served pre-discovery  
18 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).  
19 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to  
20 respond. NTC further objects to Request for Admission No. 8 as seeking irrelevant to any claim or  
21 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
22 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
23 for by Request for Admission No. 8 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
24 disclosures.

1     **REQUEST FOR ADMISSION NO. 9:**

2                   Admit that Nanya does not lease any facility in Guam.

3     **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 9:**

4                   NTC objects to Request for Admission No. 9 as premature. FMA has not served pre-discovery  
5 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).  
6 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to  
7 respond. NTC further objects to Request for Admission No. 9 as seeking irrelevant to any claim or  
8 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
9 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
10 for by Request for Admission No. 9 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
11 disclosures.  
12

13     **REQUEST FOR ADMISSION NO. 10:**

14                   Admit that Nanya does not have a bank account in Guam.

15     **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 10:**

16                   NTC objects to Request for Admission No. 10 as premature. FMA has not served pre-  
17 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
18 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
19 to respond. NTC further objects to Request for Admission No. 10 as seeking irrelevant to any claim or  
20 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
21 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
22 for by Request for Admission No. 10 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
23 disclosures.  
24

1           **REQUEST FOR ADMISSION NO. 11:**

2           Admit that Nanya does not maintain a telephone number in Guam.

3           **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 11:**

4           NTC objects to Request for Admission No. 11 as premature. FMA has not served pre-  
5 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
6 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
7 to respond. NTC further objects to Request for Admission No. 11 as seeking irrelevant to any claim or  
8 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
9 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
10 for by Request for Admission No. 11 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
11 disclosures.

12           **REQUEST FOR ADMISSION NO. 12:**

13           Admit that Nanya does not maintain a telefax number in Guam.

14           **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 12:**

15           NTC objects to Request for Admission No. 12 as premature. FMA has not served pre-  
16 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
17 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
18 to respond. NTC further objects to Request for Admission No. 12 as seeking irrelevant to any claim or  
19 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
20 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
21 for by Request for Admission No. 12 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
22 disclosures.

23           **REQUEST FOR ADMISSION NO. 13:**

24           Admit that Nanya does not have a telex number in Guam.

**OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 13:**

NTC objects to Request for Admission No. 13 as premature. FMA has not served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to respond. NTC further objects to Request for Admission No. 13 as seeking irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called for by Request for Admission No. 13 seasonably after FMA serves its Local Rule 26.2 pre-discovery disclosures.

**REQUEST FOR ADMISSION NO. 14:**

Admit that Nanya does not have any directors in Guam.

**OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 14:**

NTC objects to Request for Admission No. 14 as premature. FMA has not served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to respond. NTC further objects to Request for Admission No. 14 as seeking irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called for by Request for Admission No. 14 seasonably after FMA serves its Local Rule 26.2 pre-discovery disclosures.

**REQUEST FOR ADMISSION NO. 15:**

Admit that Nanya does not have any officers in Guam.

**OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 15:**

NTC objects to Request for Admission No. 15 as premature. FMA has not served pre-

1 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
2 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
3 to respond. NTC further objects to Request for Admission No. 15 as seeking irrelevant to any claim or  
4 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
5 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
6 for by Request for Admission No. 15 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
7 disclosures.

9 **REQUEST FOR ADMISSION NO. 16:**

10 Admit that Nanya does not maintain a post office box in Guam.

11 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 16:**

12 NTC objects to Request for Admission No. 16 as premature. FMA has not served pre-  
13 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
14 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
15 to respond. NTC further objects to Request for Admission No. 16 as seeking irrelevant to any claim or  
16 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
17 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
18 for by Request for Admission No. 16 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
19 disclosures.

22 **REQUEST FOR ADMISSION NO. 17:**

23 Admit that Nanya does not maintain a street address in Guam.

24 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 17:**

25 NTC objects to Request for Admission No. 17 as premature. FMA has not served pre-  
26 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
27 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever

1 to respond. NTC further objects to Request for Admission No. 17 as seeking irrelevant to any claim or  
2 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
3 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
4 for by Request for Admission No. 17 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
5 disclosures.

6 **REQUEST FOR ADMISSION NO. 18:**

7 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.  
8 06-CV-00025 in the District of Guam, Nanya has never been party to a lawsuit or legal proceeding in  
9 any Guam Federal District Court.

10 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 18:**

11 NTC objects to Request for Admission No. 18 as premature. FMA has not served pre-  
12 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
13 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
14 to respond. NTC further objects to Request for Admission No. 18 as seeking irrelevant to any claim or  
15 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
16 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
17 for by Request for Admission No. 18 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
18 disclosures.

19 **REQUEST FOR ADMISSION NO. 19:**

20 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.  
21 06-CV-00025 in the District of Guam, Nanya did not have in Guam any documents relevant to the  
22 subject matter of this lawsuit.

23 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 19:**

24 NTC objects to Request for Admission No. 19 as premature. FMA has not served pre-

1 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
2 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
3 to respond. NTC further objects to Request for Admission No. 19 as seeking irrelevant to any claim or  
4 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
5 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
6 for by Request for Admission No. 19 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
7 disclosures.

9 **REQUEST FOR ADMISSION NO. 20:**

10 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.  
11 06-CV-00025 in the District of Guam, Nanya had not appointed an agent in Guam for service of  
12 process.

14 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 20:**

15 NTC objects to Request for Admission No. 20 as premature. FMA has not served pre-  
16 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
17 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
18 to respond. NTC further objects to Request for Admission No. 20 as seeking irrelevant to any claim or  
19 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
20 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
21 for by Request for Admission No. 20 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
22 disclosures.

24 **REQUEST FOR ADMISSION NO. 21:**

25 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.  
26 06-CV-00025 in the District of Guam, Nanya had not negotiated any agreements in Guam concerning  
27 the subject matter of this action.

1 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 21:**

2 NTC objects to Request for Admission No. 21 as premature. FMA has not served pre-  
 3 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
 4 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
 5 to respond. NTC further objects to Request for Admission No. 21 as seeking irrelevant to any claim or  
 6 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
 7 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
 8 for by Request for Admission No. 21 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
 9 disclosures.

10 **REQUEST FOR ADMISSION NO. 22:**

11 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.  
 12 06-CV-00025 in the District of Guam, Nanya had not executed any agreements in Guam concerning  
 13 the subject matter of this action.

14 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 22:**

15 NTC objects to Request for Admission No. 22 as premature. FMA has not served pre-  
 16 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
 17 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
 18 to respond. NTC further objects to Request for Admission No. 22 as seeking irrelevant to any claim or  
 19 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
 20 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
 21 for by Request for Admission No. 22 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
 22 disclosures.

23 **REQUEST FOR ADMISSION NO. 23:**

24 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.  
 25

1 06-CV-00025 in the District of Guam, Nanya had not executed any agreements that called for Nanya's  
2 performance in Guam concerning the subject matter of this action.

3 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 23:**

4 NTC objects to Request for Admission No. 23 as premature. FMA has not served pre-  
5 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
6 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
7 to respond. NTC further objects to Request for Admission No. 23 as seeking irrelevant to any claim or  
8 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
9 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
10 for by Request for Admission No. 23 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
11 disclosures.

12 **REQUEST FOR ADMISSION NO. 24:**

13 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.  
14 06-CV-00025 in the District of Guam, Nanya had no correspondence with Fujitsu in Guam.

15 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 24:**

16 NTC objects to Request for Admission No. 24 as premature. FMA has not served pre-  
17 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
18 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
19 to respond. NTC further objects to Request for Admission No. 24 as seeking irrelevant to any claim or  
20 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
21 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
22 for by Request for Admission No. 24 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
23 disclosures.

1 **REQUEST FOR ADMISSION NO. 25:**

2 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.  
3 06-CV-00025 in the District of Guam, Nanya had no correspondence with FMA in Guam.  
4

5 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 25:**

6 NTC objects to Request for Admission No. 25 as premature. FMA has not served pre-  
7 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
8 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
9 to respond. NTC further objects to Request for Admission No. 25 as seeking irrelevant to any claim or  
10 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
11 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
12 for by Request for Admission No. 25 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
13 disclosures.  
14

15 **REQUEST FOR ADMISSION NO. 26:**

16 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.  
17 06-CV-00025 in the District of Guam, Nanya had no correspondence with Fujitsu relating to any  
18 business in Guam.  
19

20 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 26:**

21 NTC objects to Request for Admission No. 26 as premature. FMA has not served pre-  
22 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
23 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
24 to respond. NTC further objects to Request for Admission No. 26 as seeking irrelevant to any claim or  
25 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
26 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
27 for by Request for Admission No. 26 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
28 disclosures.

1 disclosures.

2 **REQUEST FOR ADMISSION NO. 27:**

3 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.  
4 06-CV-00025 in the District of Guam, Nanya had no correspondence with FMA relating to any  
5 business in Guam.

6 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 27:**

7 NTC objects to Request for Admission No. 27 as premature. FMA has not served pre-  
8 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
9 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
10 to respond. NTC further objects to Request for Admission No. 27 as seeking irrelevant to any claim or  
11 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
12 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
13 for by Request for Admission No. 27 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
14 disclosures.

15 **REQUEST FOR ADMISSION NO. 28:**

16 Admit that Nanya does not file a tax return in Guam.

17 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 28:**

18 NTC objects to Request for Admission No. 28 as premature. FMA has not served pre-  
19 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
20 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
21 to respond. NTC further objects to Request for Admission No. 28 as seeking irrelevant to any claim or  
22 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
23 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
24 for by Request for Admission No. 28 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
25 disclosures.

1 disclosures.

2 **REQUEST FOR ADMISSION NO. 29:**

3 Admit that Nanya does not distribute any products concerning the subject matter of this action  
4 in Guam.

5 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 29:**

6 NTC objects to Request for Admission No. 29 as premature. FMA has not served pre-  
7 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
8 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
9 to respond. NTC further objects to Request for Admission No. 29 as seeking irrelevant to any claim or  
10 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
11 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
12 for by Request for Admission No. 29 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
13 disclosures.

14 **REQUEST FOR ADMISSION NO. 30:**

15 Admit that Nanya Accused Products are offered for sale in the Northern District of California.

16 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 30:**

17 NTC objects to Request for Admission No. 30 as premature. FMA has not served pre-  
18 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
19 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
20 to respond. NTC further objects to Request for Admission No. 30 as seeking irrelevant to any claim or  
21 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
22 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
23 for by Request for Admission No. 30 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
24 disclosures.

1 **REQUEST FOR ADMISSION NO. 31:**

2 Admit that Nanya Accused Products are sold in the Northern District of California.

3 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 31:**

4 NTC objects to Request for Admission No. 31 as premature. FMA has not served pre-  
5 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
6 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
7 to respond. NTC further objects to Request for Admission No. 31 as seeking irrelevant to any claim or  
8 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
9 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
10 for by Request for Admission No. 31 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
11 disclosures.

12 **REQUEST FOR ADMISSION NO. 32:**

13 Admit that Nanya Accused Products are imported into the Northern District of California.

14 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 32:**

15 NTC objects to Request for Admission No. 32 as premature. FMA has not served pre-  
16 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
17 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
18 to respond. NTC further objects to Request for Admission No. 32 as seeking irrelevant to any claim or  
19 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
20 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
21 for by Request for Admission No. 32 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
22 disclosures.

1 **REQUEST FOR ADMISSION NO. 33:**

2 Admit that Nanya obtains revenue from Nanya Accused Products sold within the Northern  
3 District of California.

4 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 33:**

5 NTC objects to Request for Admission No. 33 as premature. FMA has not served pre-  
6 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
7 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
8 to respond. NTC further objects to Request for Admission No. 33 as seeking irrelevant to any claim or  
9 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the  
10 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called  
11 for by Request for Admission No. 33 seasonably after FMA serves its Local Rule 26.2 pre-discovery  
12 disclosures.

13 **REQUEST FOR ADMISSION NO. 34:**

14 Admit that the United States District Court for the Northern District of California has personal  
15 jurisdiction over Nanya.

16 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 34:**

17 NTC objects to Request for Admission No. 34 as premature. FMA has not served pre-  
18 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
19 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever  
20 to respond. NTC further objects to Request for Admission No. 34 as seeking irrelevant to any claim or  
21 defense at issue in this case, including but not limited to jurisdiction and convenience. NTC further  
22 objects to Request for Admission No. 34 as not seeking facts, but a legal conclusion for a court to  
23 decide. Subject to the foregoing objections, NTC will supplement and respond to the relevant subject  
24 matter, if any, called for by Request for Admission No. 34 seasonably after FMA serves its Local Rule  
25  
26  
27  
28

1 26.2 pre-discovery disclosures.

2  
3 Dated: April 23, 2007

SHORE CHAN BRAGALONE LLP

4  
5 By: /s/ Alfonso Garcia Chan  
6 ALFONSO GARCIA CHAN, ESQ.  
(admitted *pro hac vice*)

7 ATTORNEYS FOR PLAINTIFFS  
8 Nanya Technology Corp. and  
Nanya Technology Corp. U.S.A.

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on the following counsel of record via electronic mail and confirmatory first class mail on April 23, 2007:

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Nanya Technology Corp. U.S.A.*

UNITED STATES DISTRICT COURT

**DISTRICT OF GUAM**

NANYA TECHNOLOGY CORP. and  
NANYA TECHNOLOGY CORP. U.S.A.

Case No. CV-06-00025

*Plaintiffs.*

v

FUJITSU LIMITED and FUJITSU  
MICROELECTRONICS AMERICA, INC.

**PLAINTIFF NANYA TECHNOLOGY  
CORPORATION U.S.A.'S OBJECTIONS  
AND RESPONSES TO FUJITSU  
MICROELECTRONICS AMERICA,  
INC.'S FIRST SET OF REQUESTS FOR  
ADMISSIONS (NOS. 1-34)**

*Defendants.*

1 Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court,  
2 Plaintiff Nanya Technology Corp. U.S.A. ("NTC USA") hereby serves the following Responses and  
3 Objections to admissions upon Defendant Fujitsu Microelectronics America, Inc. ("FMA"). NTC USA  
4 hereby reserves the right to supplement all responses to these admissions in accordance with Federal  
5 Rules of Civil Procedure 26(e).  
6

7 **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

8 1. NTC USA objects to the definitions of "Nanya USA," "you" and "your" to the extent  
9 that they encompass "all predecessor or successor companies or corporations" that are not currently  
10 part of NTC USA, to the extent they encompass "present ... investigators, accountants, consultants,  
11 attorneys, other representatives, or any other persons acting or purporting to act on behalf of any of  
12 them" who are not part of NTC USA, to the extent they encompass "consultants" otherwise protected  
13 by the consulting expert privilege, to the extent they encompass "attorneys" otherwise protected by the  
14 attorney client and/or work product privileges, and to the extent they encompass "former offices,  
15 directors, employees, agents, investigators, accountants, consultants, attorneys, other representatives,  
16 or any other persons acting or purporting to act on behalf of any of them" that are not currently part of  
17 NTC USA.  
18

19 2. NTC USA objects to the definition of "document" to the extent it purports to cover  
20 subject matter in excess of Federal Rule of Civil Procedure 34.  
21

22 3. NTC USA objects to the definition of "electronically stored information" to the extent it  
23 purports to cover subject matter in excess of Federal Rule of Civil Procedure 34.  
24

25 4. NTC USA objects to the definition of "identify" to the extent it calls for a response in  
26 excess of the minimum requirements of Federal Rule of Civil Procedure 36.  
27

28 5. NTC USA objects to the Instructions generally to the extent they call for a response in  
excess of the minimum requirements of Federal Rule of Civil Procedure 36.  
29

1       6.     NTC USA objects to Instruction No. 7 to the extent it recites privilege log requirements  
 2     in excess of the requirements called for by this Court, Ninth Circuit precedent, and the Federal Rules  
 3     of Civil Procedure.

4       7.     NTC USA objects to Footnote No. 1 and Defendants' attempted disclaimer that they are  
 5     not substantively participating in the present lawsuit in Guam.

7                   **RESPONSES AND OBJECTIONS TO FMA'S ADMISSIONS**

8                   Subject to the foregoing objections, NTC USA further objects and responds as follows:

9                   **REQUEST FOR ADMISSION NO. 1:**

10                  Admit that Nanya USA does not maintain any offices in Guam.

11                  **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 1:**

12                  NTC USA objects to Request for Admission No. 1 as premature. FMA has not served pre-  
 13     discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
 14     26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation  
 15     whatsoever to respond. NTC USA further objects to Request for Admission No. 1 as seeking  
 16     irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
 17     convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
 18     relevant subject matter, if any, called for by Request for Admission No. 1 seasonably after FMA serves  
 19     its Local Rule 26.2 pre-discovery disclosures.

21                  **REQUEST FOR ADMISSION NO. 2:**

23                  Admit that Nanya USA does not maintain any operations in Guam.

24                  **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 2:**

25                  NTC USA objects to Request for Admission No. 2 as premature. FMA has not served pre-  
 26     discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
 27     26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation

1 whatsoever to respond. NTC USA further objects to Request for Admission No. 2 as seeking  
2 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
3 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
4 relevant subject matter, if any, called for by Request for Admission No. 2 seasonably after FMA serves  
5 its Local Rule 26.2 pre-discovery disclosures.

6

7 **REQUEST FOR ADMISSION NO. 3:**

8 Admit that Nanya USA does not have any employees in Guam.

9 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 3:**

10 NTC USA objects to Request for Admission No. 3 as premature. FMA has not served pre-  
11 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
12 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation  
13 whatsoever to respond. NTC USA further objects to Request for Admission No. 3 as seeking  
14 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
15 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
16 relevant subject matter, if any, called for by Request for Admission No. 3 seasonably after FMA serves  
17 its Local Rule 26.2 pre-discovery disclosures.

18

19 **REQUEST FOR ADMISSION NO. 4:**

20 Admit that Nanya USA does not have any affiliates in Guam.

21

22 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 4:**

23 NTC USA objects to Request for Admission No. 4 as premature. FMA has not served pre-  
24 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
25 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation  
26 whatsoever to respond. NTC USA further objects to Request for Admission No. 4 as seeking  
27 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
28 convenience.

1 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
2 relevant subject matter, if any, called for by Request for Admission No. 4 seasonably after FMA serves  
3 its Local Rule 26.2 pre-discovery disclosures.

4 **REQUEST FOR ADMISSION NO. 5:**

5 Admit that Nanya USA does not have any salespersons in Guam.

7 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 5:**

8 NTC USA objects to Request for Admission No. 5 as premature. FMA has not served pre-  
9 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
10 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation  
11 whatsoever to respond. NTC USA further objects to Request for Admission No. 5 as seeking  
12 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
13 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
14 relevant subject matter, if any, called for by Request for Admission No. 5 seasonably after FMA serves  
15 its Local Rule 26.2 pre-discovery disclosures.

17 **REQUEST FOR ADMISSION NO. 6:**

18 Admit that Nanya USA has not advertised any products in the Guam local newspapers or Guam  
19 local magazines in the six years before the Complaint was filed in this action.

21 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 6:**

22 NTC USA objects to Request for Admission No. 6 as premature. FMA has not served pre-  
23 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
24 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation  
25 whatsoever to respond. NTC USA further objects to Request for Admission No. 6 as seeking  
26 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
27 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
28

1 relevant subject matter, if any, called for by Request for Admission No. 6 seasonably after FMA serves  
2 its Local Rule 26.2 pre-discovery disclosures.

3 **REQUEST FOR ADMISSION NO. 7:**

4 Admit that Nanya USA has not advertised any services in the Guam local newspapers or Guam  
5 local magazines in the six years before the Complaint was filed in this action.

6 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 7:**

7 NTC USA objects to Request for Admission No. 7 as premature. FMA has not served pre-  
8 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
9 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation  
10 whatsoever to respond. NTC USA further objects to Request for Admission No. 7 as seeking  
11 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
12 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
13 relevant subject matter, if any, called for by Request for Admission No. 7 seasonably after FMA serves  
14 its Local Rule 26.2 pre-discovery disclosures.

15 **REQUEST FOR ADMISSION NO. 8:**

16 Admit that Nanya USA does not have real property in Guam.

17 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 8:**

18 NTC USA objects to Request for Admission No. 8 as premature. FMA has not served pre-  
19 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
20 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation  
21 whatsoever to respond. NTC USA further objects to Request for Admission No. 8 as seeking  
22 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
23 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
24 relevant subject matter, if any, called for by Request for Admission No. 8 seasonably after FMA serves  
25  
26  
27  
28

1 its Local Rule 26.2 pre-discovery disclosures.

2 **REQUEST FOR ADMISSION NO. 9:**

3 Admit that Nanya USA does not lease any facility in Guam.

4 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 9:**

5 NTC USA objects to Request for Admission No. 9 as premature. FMA has not served pre-  
6 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
7 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation  
8 whatsoever to respond. NTC USA further objects to Request for Admission No. 9 as seeking  
9 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
10 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
11 relevant subject matter, if any, called for by Request for Admission No. 9 seasonably after FMA serves  
12 its Local Rule 26.2 pre-discovery disclosures.

13 **REQUEST FOR ADMISSION NO. 10:**

14 Admit that Nanya USA does not have a bank account in Guam.

15 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 10:**

16 NTC USA objects to Request for Admission No. 10 as premature. FMA has not served pre-  
17 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
18 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation  
19 whatsoever to respond. NTC USA further objects to Request for Admission No. 10 as seeking  
20 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
21 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
22 relevant subject matter, if any, called for by Request for Admission No. 10 seasonably after FMA  
23 serves its Local Rule 26.2 pre-discovery disclosures.

1 **REQUEST FOR ADMISSION NO. 11:**

2 Admit that Nanya USA does not maintain a telephone number in Guam.

3 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 11:**

4 NTC USA objects to Request for Admission No. 11 as premature. FMA has not served pre-  
5 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
6 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation  
7 whatsoever to respond. NTC USA further objects to Request for Admission No. 11 as seeking  
8 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
9 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
10 relevant subject matter, if any, called for by Request for Admission No. 11 seasonably after FMA  
11 serves its Local Rule 26.2 pre-discovery disclosures.

12 **REQUEST FOR ADMISSION NO. 12:**

13 Admit that Nanya USA does not maintain a telefax number in Guam.

14 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 12:**

15 NTC USA objects to Request for Admission No. 12 as premature. FMA has not served pre-  
16 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
17 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation  
18 whatsoever to respond. NTC USA further objects to Request for Admission No. 12 as seeking  
19 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
20 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
21 relevant subject matter, if any, called for by Request for Admission No. 12 seasonably after FMA  
22 serves its Local Rule 26.2 pre-discovery disclosures.

23 **REQUEST FOR ADMISSION NO. 13:**

24 Admit that Nanya USA does not have a telex number in Guam.

**OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 13:**

NTC USA objects to Request for Admission No. 13 as premature. FMA has not served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation whatsoever to respond. NTC USA further objects to Request for Admission No. 13 as seeking irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the relevant subject matter, if any, called for by Request for Admission No. 13 seasonably after FMA serves its Local Rule 26.2 pre-discovery disclosures.

**REQUEST FOR ADMISSION NO. 14:**

Admit that Nanya USA does not have any directors in Guam.

**OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 14:**

NTC USA objects to Request for Admission No. 14 as premature. FMA has not served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation whatsoever to respond. NTC USA further objects to Request for Admission No. 14 as seeking irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the relevant subject matter, if any, called for by Request for Admission No. 14 seasonably after FMA serves its Local Rule 26.2 pre-discovery disclosures.

**REQUEST FOR ADMISSION NO. 15:**

Admit that Nanya USA does not have any officers in Guam.

**OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 15:**

NTC USA objects to Request for Admission No. 15 as premature. FMA has not served pre-

1 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
2 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation  
3 whatsoever to respond. NTC USA further objects to Request for Admission No. 15 as seeking  
4 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
5 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
6 relevant subject matter, if any, called for by Request for Admission No. 15 seasonably after FMA  
7 serves its Local Rule 26.2 pre-discovery disclosures.

8

9 **REQUEST FOR ADMISSION NO. 16:**

10 Admit that Nanya USA does not maintain a post office box in Guam.

11

12 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 16:**

13 NTC USA objects to Request for Admission No. 16 as premature. FMA has not served pre-  
14 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
15 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation  
16 whatsoever to respond. NTC USA further objects to Request for Admission No. 16 as seeking  
17 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
18 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
19 relevant subject matter, if any, called for by Request for Admission No. 16 seasonably after FMA  
20 serves its Local Rule 26.2 pre-discovery disclosures.

21

22 **REQUEST FOR ADMISSION NO. 17:**

23 Admit that Nanya USA does not maintain a street address in Guam.

24

25 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 17:**

26 NTC USA objects to Request for Admission No. 17 as premature. FMA has not served pre-  
27 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
28 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation

1 whatsoever to respond. NTC USA further objects to Request for Admission No. 17 as seeking  
 2 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
 3 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
 4 relevant subject matter, if any, called for by Request for Admission No. 17 seasonably after FMA  
 5 serves its Local Rule 26.2 pre-discovery disclosures.  
 6

7 **REQUEST FOR ADMISSION NO. 18:**

8 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.  
 9 06-CV-00025 in the District of Guam, Nanya USA has never been party to a lawsuit or legal  
 10 proceeding in any Guam Federal District Court.

11 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 18:**

12 NTC USA objects to Request for Admission No. 18 as premature. FMA has not served pre-  
 13 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure  
 14 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation  
 15 whatsoever to respond. NTC USA further objects to Request for Admission No. 18 as seeking  
 16 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and  
 17 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the  
 18 relevant subject matter, if any, called for by Request for Admission No. 18 seasonably after FMA  
 19 serves its Local Rule 26.2 pre-discovery disclosures.  
 20

21 **REQUEST FOR ADMISSION NO. 19:**

22 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.  
 23 06-CV-00025 in the District of Guam, Nanya USA did not have in Guam any documents relevant to  
 24 the subject matter of this lawsuit.  
 25

26 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 19:**

27 NTC USA objects to Request for Admission No. 19 as premature. FMA has not served pre-  
 28